IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15248 of 2004

Between:

R. Thanuja D/o. R. Bhaskar Rao
Kappupalle, Puthalapattu Mandal, Chittoor District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Chittoor Revenue Division,

Chittoor District.
2 The Mandal Revenue Officer, Puthalapattu Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction, more particularly a writ in the nature of Mandamus, declaring the petitioners' FP Shop Dealership licence even without serving the said order on the petitioner and not giving an opportunity as being illegal, arbitrary and is in violation of principles of natural justice and fair play besides violative of Articles 14,21 and 300-A of the Constitution of India and consequently direct the respondents to supply usual monthly quota to the petitioner.

Counsel for the Petitioner: MR.C.A.RSESHAGIRI RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

It is not in dispute that the petitioner was appointed as a temporary dealer of a fair price shop of Kappupalle of Pathalapattu Mandal in Chittoor District in the year 1996 and has been continuing as such. The grievance of the petitioner is that she was not allowed to lift the stocks for the month of August, 2004 without there being any justifiable reason. Hence, this writ petition has been filed seeking a declaration that the action of the 2nd respondent in not releasing the stocks is arbitrary and illegal.

This Court while directing notice granted interim directions on 30-08-2004 to release the stocks to the petitioner if she is holding a valid authorization and the same is subsisting as on that date.

In the counter affidavit, though it is admitted that the petitioner was appointed as temporary dealer, it is alleged that she has no valid authorisation. It is also alleged that the petitioner has not been staying in the village and she has been working as a teacher at Amraraja English Medium School at Petamitta village, which is at a distance of 13 Kms. and that the shop is being run through her father, who is indulging in several irregularities in distribution of commodities.

Even assuming that the allegations made in the counter affidavit are true, nothing prevents the respondents to take appropriate action against the petitioner following

due process of law, after issuing a notice to her to explain the allegations. Without adopting such procedure, the respondents are not justified in stopping the release of stocks to the petitioner.

Accordingly, the writ petition is disposed of with a direction to the respondents to release the essential commodities to the petitioner as usual for distribution to the card holders, leaving it open to the respondents to take appropriate action following due process of law. No costs.

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30-09-2004

vs

To

1 The Revenue Divisional Officer, Chittoor Revenue Division,

Chittoor District.
2 The Mandal Revenue Officer, Puthalapattu Mandal, Chittoor District.

3 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T)

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